

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 20, 2017 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 282, 2/17/2017; SB 286, 2/17/2017; SB 288, 2/17/2017;
SB 293, 2/17/2017
Executive Action: SB 98-Do Pass

HEARING ON SB 282**Opening Statement by Sponsor:**

00:01:02 Sen. Albert Olszewski (R), SD 6, opened the hearing on SB 282, Revise abortion laws concerning viable fetus.

[EXHIBIT\(jus37a01\)](#)

Proponents' Testimony:

00:04:09 Bowen Greenwood, Montana Family Foundation

00:06:39 Terry Forke, pastor, Montana District Lutheran Church

00:09:00 Carol Eve Moon, retired physician, member, American College of Obstetrics and Gynecology; member, American Association of Pro-Life Obstetrics

00:13:05 Donna Elford, self

00:15:40 Rep. Derek Skees, HD 11

Opponents' Testimony:

00:17:09 S.K. Rossi, director, Advocacy and Policy, ACLU

[EXHIBIT\(jus37a02\)](#)

00:23:12 Martha Stahl, president, chief executive officer, Planned Parenthood of Montana (PPMT)

[EXHIBIT\(jus37a03\)](#)

[EXHIBIT\(jus37a04\)](#)

00:27:29 Robin Turner, Public Policy and Legal director, Montana Coalition Against Domestic and Sexual Violence

00:31:03 Jules Shindel, Organizing Network, Montana Human Rights Network

00:31:34 Althea Reichert, junior, Bozeman High School

00:33:40 Jessica Peterson, NARAL Pro-Choice Montana

Informational Testimony:

None

Questions from Committee Members and Responses:

00:36:43 Sen. Hinebauch

00:37:11 Sen. Olszewski

00:41:55 Sen. Sands

00:43:10 Sen. Olszewski

00:48:13 Sen. MacDonald

00:48:44 Ms. Stahl, PPMT

00:49:34 Sen. Gross

00:50:07 Sen. Olszewski

00:52:30 Sen. Hinkle

00:53:03 Ms. Stahl

Closing by Sponsor:

00:53:17 Sen. Olszewski

HEARING ON SB 288

Opening Statement by Sponsor:

00:56:09 Sen. Edward Buttrey (R), SD 11, opened the hearing on SB 288, Referendum to revise who pays for litigation costs.

Proponents' Testimony:

None

Opponents' Testimony:

00:59:25 Al Smith, Montana Trial Lawyers Association (MTLA)
[EXHIBIT\(jus37a05\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:07:31 Sen. Sands
01:08:04 Mr. Smith, MTLA
01:09:59 Sen. Sands
01:10:15 Sen. Buttrey
01:12:24 Chairman Regier
01:12:33 Mr. Smith
01:12:41 Sen. Hinkle
01:13:05 Sen. Buttrey

Closing by Sponsor:

01:13:30 Sen. Buttrey

HEARING ON SB 286

Opening Statement by Sponsor:

01:15:30 Sen. Frederick (Eric) Moore (R), SD 19, opened the hearing on SB 286, Revise laws regarding contractual right to attorney fees.

Proponents' Testimony:

01:19:06 Chuck Denowh, United Property Owners of Montana

Opponents' Testimony:

01:24:07 Alan Olson, executive director, Montana Petroleum Association

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:27:20 Sen. Moore

HEARING ON SB 293

Opening Statement by Sponsor:

01:29:34 Sen. Cary Smith (R), SD 27, opened the hearing on SB 293, Revise interest payments in civil cases.

Proponents' Testimony:

01:31:27 Mark Baker, Montana Chamber of Commerce (MCC)

[EXHIBIT\(jus37a06\)](#)

[EXHIBIT\(jus37a07\)](#)

[EXHIBIT\(jus37a08\)](#)

01:41:04 Mona Jamison, The Doctors Company

01:43:08 Ronda Wiggers, Helena Chamber of Commerce

Opponents' Testimony:

01:43:55 Al Smith, Montana Trials Lawyers Association (MTLA)

[EXHIBIT\(jus37a09\)](#)

01:50:01 Michael Moore, Montana Collectors Association

01:58:32 Nathan Flutter, attorney, CBS Collection Services

02:00:33 Tom England, Centron Services, Inc.

02:01:02 Mark Nash, owner, Credit Associates

02:01:48 Jessie Luther, Montana Association of Clerks of District Court

Informational Testimony:

None

Questions from Committee Members and Responses:

02:03:15 Sen. Fielder
02:03:27 Sen. Smith
02:04:18 Sen. Swandal
02:04:48 Mr. Baker, MCC
02:05:51 Chairman Regier
02:06:18 Mr. Baker
02:07:52 Sen. Vincent
02:08:08 Mr. Baker
02:08:25 Sen. Vincent
02:09:11 Mr. Smith, MTLA
02:10:23 Sen. Hinkle
02:10:51 Mr. Smith

Closing by Sponsor:

02:11:33 Sen. Smith
02:15:42 Brief Recess
02:30:14 Reconvene

EXECUTIVE ACTION ON SB 98

02:30:31 **Motion:** Sen. Fielder moved that **SB 98 DO PASS.**

Discussion:

02:30:52 Chairman Regier
02:31:39 Sen. MacDonald
02:32:58 Sen. Fielder
02:34:22 **Vote:** Motion carried 6-5 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald, Sen. Sands and Sen. Vincent voting no. Sen. S. Sales voted by proxy.
02:35:02 Chairman Regier
02:35:23 Sen. Sands
02:35:55 Chairman Regier

ADJOURNMENT

Adjournment: 10:36 A.M.

Pam Schindler, Secretary

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Additional Documents:

Additional Documents:

EXHIBIT([jus37aad.pdf](#))